UNITED STATES PATENT AND TRADEMARK OFFICE

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10/591,489	07/20/2007	Jussi Jaatinen	915-001.097	1943

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/591,489	JAATINEN, JUSSI
	Examiner	Art Unit	
	MEWALE AMBAYE	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 July 2007</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-34</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>01 September 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-34 are pending.

Oath/Declaration

2.   The oath/Declaration filed on 07/20/07 is accepted by the examiner.

Information Disclosure Statement

3.   The information disclosure statements filed on 09/01/06 is being considered by the

examiner.

Drawings

4.   The drawing filed on 09/01/06 is accepted by the examiner.

Claim Rejections - 35 USC § 102

        The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in
public use or on sale in this country, more than one year prior to the date of application for patent in the
United States.

6.   Claims **1-5 & 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Karlsson et

al (hereinafter referred as Karlsson) International Publication No. WO 00/67435.

7.   **As per claim 1:** Karlsson discloses a method comprising: enabling a destination device

to connect to a data source through a first connection utilizing a fixed communications network

(See FIG. 1 & Page 13; lines 2-7, the user or the application 6 may request communication with

another unit such as to obtain a service 7 on the internet using the data source (server 2)

through the communication routes 3-5. Karlsson also discloses that the communication routes

may consist a fixed network or mobile network), establishing at a destination device a second

connection to the data source via a wireless communications device operable in a wireless

communications network *(See FIG. 1 & Page 13; lines 2-7, the user may communicated to*

another unit such as internet using a second or third route via a wireless communication

network), receiving portions of a data aggregate through both first and second connections *(See*

FIG. 1 & Page 7 line 27 through Page 8 line 7, Karlsson discloses a system for transmission of

data between at least two units adapted to inter-communicate, wherein each unit comprises a

transmission unit dividing the flow of data, preferably in the form of data packets, among said at

least two communication routes), and joining said portions together to reconstruct said data

aggregate *(See FIG. 1 & & Page 7 line 27 through Page 8 line 3, Karlsson discloses each unit*

further comprises a corresponding receiver unit, which re-combines the data flow transmitted

via at least two communication routes, which can be fixed or wireless).

8.   **As per claim 2:** Karlsson discloses a method further comprising performing analysis on

the basis of at least one of the following: a connection maximum speed, a connection current

speed, an estimated future speed of a connection, amount of data to be transferred, estimated

transfer time, and estimated transfer costs *(See Page 14; line 31 through Page 15; line 31 &*

table on page 18, when allowing optimization of the transmission of data between a client (first

device) and server (second device), information's (i.e., speed, price) have to be gathered)

9.   **As per claim 3:** Karlsson discloses a method further comprising adapting a connection

parameter on the basis of said analysis *See Page 14; line 31 through Page 16; line 29, for each*

connection between two points on a network, there is always be a certain minimum time

(estimated transfer time) for packet to travel which is one of the basis of the analysis).

10.   **As per claim 4:** Karlsson discloses a method wherein said second connection is

established conditionally at need due to the analysis result *(See Page 16, lines 3-29, for each*

connection between two points, the time transport to the client of each user is updated so that the

server can store this information and use it).

11.   **As per claim 5:** Karlsson discloses a method wherein a point in said data aggregate

determining a beginning of said portion to be transferred through the second connection is

established *(See Page 10; lines 1-30, Karlsson discloses each unit comprises a reception unit,*

which recombines the data flow transmitted via at least two communication routes. Karlsson

also discloses that the communication routes may consist a fixed network or mobile network).

12.   **As per claim 6:** Karlsson discloses a method wherein said point is established on the

basis of connection speed of one or more connections and the size of said data aggregate *(See*

Page 6; lines 4-17, the transmission unit gather information on the basis of speed and size of the

packets).

13.   **As per claim 7:** Karlsson discloses a method wherein data transfer from said determined

point is initiated by utilizing substantially a data transfer resume functionality *(See Page 12; line*

30 through page 14; line 10, the communication route consists of connection to the receiver unit

having a well defined interface to the client part. All the communication links use the same

protocols, for example TCP/IP).

14.   **As per claim 8:** Karlsson discloses a method wherein connection between the wireless

communications device and the destination device is wireless or wire-based *(See Page 13; lines*

2-7).

15.   **As per claim 9:** Karlsson discloses a method wherein data transfer resources are

allocated or released dynamically during a data transfer connection *(See page; line 33 through*

Page 6; line 4).

16.   **As per claim 10:** Karlsson discloses a method wherein prior to establishing said second

connection an approval thereto is requested from the user of said destination device *(See Page*

11; lines 10-19, the user request a transmission to the server and the answer to the request is

then received by the server).

17.   **As per claim 11:** Karlsson discloses a method wherein establishing or releasing said

second connection is transparent to the user of said destination device *(See Page 11; lines 10-19,*

answer to the request by the user is returned to the client via the various communication links).

18.   **As per claim 31:** this claim is rejected as the same reasoning as independent claim 1.

19.   **As per claim 32:** this claim is rejected as the same reasoning as independent claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set
forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

20.   Claims **12-30 & 33-34** are rejected under U.S.C. 103(a) as being unpatentable over

Karlsson, in view of Ramaswamy et al. (hereinafter referred as Ramaswamy) International

Publication No. WO 02/098057 A2.

21.   **As per claim 12:** Karlsson discloses a device operable in a fixed communications

network, comprising: a data transfer module for communicating with a wireless communications

device operable in a wireless communications network, wherein the device is also configured for

managing transfer of a data aggregate from a data source through said fixed communications

network and said wireless communications network via said wireless communications device

(See FIG. 1, Page 10; lines 18-31 & Page 13; lines 2-7, the user or the application 6 may

request communication with another unit such as to obtain a service 7 on the internet using the

data source (server 2) through the communication routes 3-5. Karlsson also discloses that the

communication routes may consist a fixed network or mobile network), said data aggregate

divided into at least two portions, one of said at least two portions received through said fixed

communications network and the other through said wireless communications network *(See*

Page 7; line 27 through Page 8; line 3, the communication unit comprises a transmission unit

dividing the data flow, preferably in the form of data packets, among at least two communication

routes. Karlsson also discloses that the communication routes may consist a fixed network or

mobile network).

Karlsson fails to disclose a processor for processing instructions and a memory for

storing data.

However, Ramaswamy discloses a processor for processing instructions and a memory

for storing data *(See Page 7; lines 184-191, Ramaswamy discloses a processor which processes*

and buffer the data stream).

Therefore, it would have been obvious to one ordinary skill in the art at the time the

invention was made to employ the teaching method of Karlsson within Ramaswamy method so

that large files requiring substantial bandwidths, such as multimedia applications can be

processed and store the data stream *(See Page 7; lines 184-191)*.

22.   **As per claim 13:** the combination of Karlsson and Ramaswamy disclose a device

configured to join said at least two portions together to reconstruct said data aggregate *(See*

Karlsson FIG. 1 & & Page 7 line 27 through Page 8 line 3, Karlsson discloses each unit further

comprises a corresponding receiver unit, which re-combines the data flow transmitted via at

least two communication routes).

23.   **As per claim 14:** the combination of Karlsson and Ramaswamy disclose a device

configured to allocate or release data transfer resources dynamically during a data transfer

connection *(See Karlsson page; line 33 through Page 6; line 4)*.

24.   **As per claim 15:** the combination of Karlsson and Ramaswamy disclose a device

configured to perform analysis on the basis of at least one of the following: a connection

maximum speed, a connection current speed, estimated future speed of a data transfer

connection, amount of data to be transferred, estimated transfer time, and estimated transfer costs

(See Karlsson Page 6; lines 4-17).

25.   **As per claim 16:** the combination of Karlsson and Ramaswamy disclose a device

configured to allocate or release a connection substantially transparently from the user *(See*

Karlsson Page 11; lines 10-19, answer to the request by the user is returned to the client via the

various communication links).

26.   **As per claim 17:** the combination of Karlsson and Ramaswamy disclose a device

configured to establish a connection conditionally at need due to the analysis result *(See Page 5;*

line 33 through Page 6; line 17, based on the information it becomes possible to optimize the

transmission with respect to one or several optimizing parameters).

27.   **As per claim 27:** the combination of Karlsson and Ramaswamy disclose a device

configured to allocate the capacity of the connection through the wireless communications

network according to the analysis result *(See Karlsson Page 5; line 33 through Page 6; line 17,*

based on the information it becomes possible to optimize the transmission with respect to one or

several optimizing parameters. Karlsson also discloses that the communication routes may

consist a fixed network or mobile network).

28.   **As per claim 18:** the combination of Karlsson and Ramaswamy disclose a device

configured to establish a point in said data aggregate determining a beginning of said portion to

be transferred through the fixed or wireless communications network *(See Karlsson Page 7;*

lines 27-33, each unit comprises a transmission unit dividing the flow of data among the

communication routes).

29.   **As per claim 19:** the combination of Karlsson and Ramaswamy disclose a device

configured to established said point on the basis of connection speed of one or more connections

and the size of said data aggregate *(See Karlsson Page 6; lines 4-17, the transmission unit gather*

information on the basis of speed and size of the packets).

30.   **As per claim 20:** the combination of Karlsson and Ramaswamy disclose a device

configured to initiate data transfer from said determined point by utilizing substantially a data

transfer resume functionality *(See Page 12; line 30 through page 14; line 10, the communication*

route consists of connection to the receiver unit having a well defined interface to the client part.

All the communication links use the same protocols, for example TCP/IP).

31.   **As per claim 21:** the combination of Karlsson and Ramaswamy disclose a device

wherein connection to the wireless communications device is wireless or wire-based *(See*

Karlsson Page 13; lines 2-7).

32.   **As per claim 22:** the combination of Karlsson and Ramaswamy disclose a device

wherein connection to the fixed communications network is wireless or wire-based *(See*

Karlsson Page 13; lines 2-7).

33.   **As per claim 23:** the combination of Karlsson and Ramaswamy disclose a device

configured to allocate or release data transfer resources dynamically during a data transfer

connection *(See Karlsson page; line 33 through Page 6; line 4).*

34.   **As per claim 24:** the combination of Karlsson and Ramaswamy disclose a device

configured to request for confirmation from the user of the device prior to establishing said

connection through the wireless communications network via the wireless communications

device *(See Karlsson Page 11; lines 10-19, the user request a transmission to the server and the*

answer to the request is then received by the server).

35.   **As per claim 25:** the combination of Karlsson and Ramaswamy disclose a device

configured to allocate or release a connection substantially transparently from the user *(See*

Karlsson Page 11; lines 10-19, answer to the request by the user is returned to the client via the

various communication links).

36.   **As per claim 26:** the combination of Karlsson and Ramaswamy disclose a device that is

substantially a mobile terminal, a PDA (Personal Digital Assistant), or a computer *(See*

Ramaswamy Page 6; lines 160-170, the communication system includes a portable

communication device (mobile terminal) and a server (PC).

37.   **As per claim 28:** the combination of Karlsson and Ramaswamy disclose a device that

supports at least one of the following technologies: Global System for Mobile Communications,

Wideband Code Division Multiple Access, Enhanced Data rates for GSM Evolution, or a High-

Speed Downlink Packet Access *(See Karlsson Page 13; lines 2-10)*.

38.   **As per claim 29:** the combination of Karlsson and Ramaswamy disclose a device

wherein said data aggregate is substantially a computer file or a combination of multiple files

(See Karlsson Page 7; lines 27-33, the flow of data is preferably in the form of data packets).

39.   **As per claim 30:** the combination of Karlsson and Ramaswamy disclose a system

comprising: an electronic device operable in a fixed communications network, said electronic

device comprising a processor for processing instructions and a memory for storing data *(See*

Ramaswamy Page 7; lines 184-191, Ramaswamy discloses a processor which processes and

buffer the data stream), and a wireless communications device operable in a wireless

communications network, said electronic device further comprising a data transfer module for

communicating with said wireless communications device, the electronic device configured for

managing transfer of a data aggregate from a data source through said fixed communications

network and said wireless communications network via said wireless communications

device*(See Karlsson FIG. 1, Page 10; lines 18-31 & Page 13; lines 2-7, the user or the*

application 6 may request communication with another unit such as to obtain a service 7 on the

internet using the data source (server 2) through the communication routes 3-5. Karlsson also

discloses that the communication routes may consist a fixed network or mobile network), said

data aggregate divided into at least two portions, one of said at least two portions received

through said fixed communications network and the other through said wireless communications

network, *(See Karlsson Page 7; line 27 through Page 8; line 3, the communication unit*

comprises a transmission unit dividing the data flow, preferably in the form of data packets,

among at least two communication routes. Karlsson also discloses that the communication

routes may consist a fixed network or mobile network) and said wireless communications device

configured for receiving instructions from said electronic device in order to establish a

connection to the data source *(See Karlsson Page 7; line 27 through Page 8; line 7, each unit*

comprises a corresponding receiver unit, which re-combines the data flow transmitted via at

least two wireless communication routes which can be fixed or wireless network), and for

forwarding data from the data source to said electronic device *(See FIG. 1 & Karlsson Page 11;*

lines 1-32, the user request for instance communication with other unit to the server and the

server performs the requested service and send to the client via a different communication

routes, and the result is delivered to the application that made the request).

40.   **As per claim 33:** the combination of Karlsson and Ramaswamy disclose an electronics

device operable in a fixed communications network, comprising: processing means for

processing instructions, memory means for storing data *(See Ramaswamy Page 7; lines 184-191,*

Ramaswamy discloses a processor which processes and buffer the data stream), data transfer

means for communicating with a wireless communications device operable in a wireless

communications network, *(See Karlsson FIG. 1 & Page 13; lines 2-7, the user or the application*

6 may request communication with another unit such as to obtain a service 7 on the internet

using the data source (server 2) through the communication routes 3-5. Karlsson also discloses

that the communication routes may consist a fixed network or mobile network) and means for

managing transfer of a data aggregate from a data source through said fixed communications

network and said wireless communications network via said wireless communications device

(See Karlsson FIG. 1, Page 10; lines 18-31 & Page 13; lines 2-7, the user or the application 6

may request communication with another unit such as to obtain a service 7 on the internet using

the data source (server 2) through the communication routes 3-5. Karlsson also discloses that

the communication routes may consist a fixed network or mobile network), said data aggregate

divided into at least two portions, one of said at least two portions received through said fixed

communications network and the other through said wireless communications network *(See*

Karlsson Page 7; line 27 through Page 8; line 3, the communication unit comprises a

transmission unit dividing the data flow, preferably in the form of data packets, among at least

two communication routes. Karlsson also discloses that the communication routes may consist a

fixed network or mobile network)

41.   **As per claim 34:** the combination of Karlsson and Ramaswamy disclose an electronics

device configured to join said at least two portions together to reconstruct said data aggregate

(See FIG. 1 & & Page 7 line 27 through Page 8 line 3, Karlsson discloses each unit further

comprises a corresponding receiver unit, which re-combines the data flow transmitted via at

least two communication routes, which can be fixed or wireless).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mewale Ambaye whose telephone number is (571) 270-7634.

The examiner can normally be reached on M - F, 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Trost can be reach on (571) 272-7872. The fax number for the organization

where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from their Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free)?

If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (In USA or Canada) or 571-272-1000.

/M. A. /

Examiner, Art Unit 2416

/William Trost/

Supervisory Patent Examiner, Art Unit 2416